

28 FEB 1978

MEMORANDUM FOR: Director of Logistics

FROM:

[REDACTED]  
Chief, Printing and Photography Division, OL

STAT

SUBJECT: Title 44

1. Per instructions we have drafted a memo (att 1) for the DDA to send to the DCI to back up another draft (att 2) of a letter from the DCI to Senator Cannon, Chairman, Joint Committee on Printing (JCP), both pertaining to Title 44. Also attached (att 3) is a wild alternative in the form of a proposed draft from the Agency's Legislative Counsel to the Staff Director of the JCP. Also pertinent to this question of Title 44 is my memo (att 4) to OL/P&PS of 24 Feb re S.2525.

2. We have gone through several iterations of the basic draft correspondence and are not confident that either the substance or procedural plans are correct. The rationale for requesting waivers to specific provisions of the Government Printing and Binding Regulations is, in my mind, somewhat spurious. In truth, P&PD could live with compliance with all provisions, notwithstanding the added administrative burden. The basic problem lies with Agency publishers, particularly NFAC, and their difficulties with delays and restrictions that could be imposed, e.g. compliance with the GPO Style Manual.

3. Sec 8 of Public Law 110 exempted us, S.2525 exempts us, the staff of the JCP and GPO exempts us, at least tacitly. Why do we not want to be exempt?

[REDACTED] STAT

OL 8 0858

*Attachment I*

MEMORANDUM FOR: Director of Central Intelligence  
VIA: Deputy Director of Central Intelligence  
FROM: John F. Blake  
Deputy Director for Administration  
SUBJECT: Title 44, United States Code,  
Public Printing and Documents

1. Action Requested: It is requested that selected exemptions from the Government Printing and Binding Regulations be sought from the Joint Committee on Printing (JCP) on behalf of all Agency printing components.

2. Background:

a. The Central Intelligence Agency (CIA), through numerous contacts over the years between the Printing and Photography Division (P&PD) and the Government Printing Office (GPO) and JCP, has been under the impression that Agency printing activities were exempt from Title 44, U.S.C. It was felt that at least tacit approval, in some instances specific waivers, covered any activities that might be construed as noncompliance with the code. In the course of recent reviews, including that prompted by your interest in making as many publications of the Agency available to the public as possible

through the Federal Depository Library Program (FDLP), the Office of General Counsel has determined that the Agency has never had a formal exemption from the code. Certainly, there was never any attempt to deliberately defy any provisions of Title 44. There has been a close relationship between our P&PD and the GPO. The Public Printer and his staff have been kept informed of our equipment, methods and products and have never raised any objections or voiced any concern over CIA printing activities. Both organizations have common wage systems and managerial structures and P&PD recognizes GPO as the facility authorized to perform most federal printing and as the procurer of printing papers.

b. The close relationship of the two organizations has allowed the free exchange of information and ideas, sometimes acquired through research and development. The end result of this liaison has been the selection of similar equipment in the two facilities. This compatibility of systems has insured both organizations of having a pool of parts inventories that can be shared on an emergency basis.

c. P&PD relies extensively on GPO for its supply of paper stocks. Other channels for the acquisition of supplies are utilized by P&PD only on occasions when

special stocks not inventoried by GPO are required. In past years, waivers had been obtained from the Public Printer allowing the purchase of these special stocks and for the procurement of printing from commercial vendors, as necessary.

d. The FDLP of GPO is supported by P&PD on a daily basis. By utilizing this channel, unclassified Agency publications are made available to the general public. Beyond this channel, P&PD and GPO have established a cost effective program which allows unclassified documents printed by P&PD deemed to be of interest to the general public to be sold by the Superintendent of Documents, GPO at only the production cost.

3. Staff Position:

a. The obvious interest of P&PD is to continue to comply with the Government Printing and Binding Regulations except in those instances of unique requirements arising from security or the needs of our users. In the past, this compliance has most often been identified by the close liaison of P&PD with GPO in regard to equipment and materiel acquisitions and through waivers obtained from the Public Printer for specialty items.

b. In the interest of operational efficiency and cost effectiveness P&PD should be allowed to continue

to operate under the same general guidelines that it has utilized successfully through the years. Sections 103 and 501 of Title 44 provide the basis for exemptions from the Government Printing and Binding Regulations that can be granted by the JCP. In this regard specific exemptions from the JCP to allow P&PD to acquire equipment, materiel, and commercial procurement of printing without the JCP approval would satisfy the need for the required P&PD flexibility in its operations. Other stipulations contained in the Government Printing and Binding Regulations would be strictly adhered to.

4. Recommendation: It is recommended that the JCP be requested to grant the Agency exemptions from paragraphs 9 through 12, 34, 46, and all reporting requirements (see attachment) as stated in the Government Printing and Binding Regulations.

John F. Blake

Att.

Distribution:

Orig - Addressee

1 - DDCI

1 - ER

2 - DDA

1 - OL Official

Originating Office

James H. McDonald  
Director of Logistics

Date

Distribution Withheld:

1 - DL Chrono

1 - OL/P&PD

STAT

OL/P&PD  (23 February 1978)

*Attachment 2*

## Government Printing and Binding Regulations

### Title II - EQUIPMENT

Paragraph 9 (Stipulation): The regulation specifies that the JCP must approve the purchase, rental, or transfer of equipment. Also, that the request submitted to the JCP for equipment approval must contain a statement citing the need for the proposed equipment as well as the identification of the installation where the equipment is to be located.

Rationale for Exemption: The mission of the CIA printing facilities is to produce classified documents which contain perishable data in a timely manner without a sacrifice in quality. Therefore, the equipment used to satisfy these requirements of timeliness and quality must be evaluated by Agency officials who are knowledgeable of the documents that are produced. Equipment transactions are under strict budgetary controls and all Federal Government and procurement regulations are adhered to.

Paragraph 10 (Stipulation): The regulation specifies that disposals of equipment be conducted in accordance with existing procedures without prior reference to the JCP, except that disposals must be reported to the JCP within 30 days.



Rationale for Exemption: Agency printing facilities dispose of equipment in accordance with Agency regulations. A waiver from the JCP reporting requirement is requested in order to eliminate duplicate reporting, and for the reasons cited above.

Paragraph 11 & 12 (Stipulation): Paragraph 11 requires the approval of the JCP prior to the acquisition of new processes which would replace traditional processes. Paragraph 12 requires the reporting to the JCP of intent to engage in applied research which may affect the printing, binding, or related fields.

Rationale for Exemption: An important objective of the Agency is to disseminate intelligence information of a perishable nature within very short time constraints. Consequently, Agency printing components constantly seek improvements in equipment or processes that may push the current state of the art. A waiver would allow this development to continue uninhibited since its effect on traditional methods is never given consideration.

### Title III - General Provisions

Paragraph 34 (Stipulation): This paragraph requires Government printing facilities to abide by JCP specifications and standards in regard to paper stocks. It also offers the opinion of the JCP that semiannual and annual paper contracts are not in the best interest of Government and that such

contracts should be used only when savings in costs are clearly demonstrable.

Rationale for Exemption: Paper used in Agency printing facilities must be of sufficient quality to insure the excellence of photographic detail in the printed product. In order to avoid the excessive variation of ink colors and photographic detail, the Agency acquires stocks via contracts with commercial vendors on a price bid basis. Tolerances allowed in the written specifications of these stocks are more stringent than those for ordinary Government printing. However, CIA purchases this better grade paper commercially at less cost than it could obtain a lower grade paper through normal Government channels. Savings in paper costs are clearly demonstrable.

Paragraph 46 (Stipulation): The regulation delegates authority to the Public Printer for issuance of a waiver for Government departments to make direct purchases of printing, binding, or related material.

Rationale for Exemption: The Agency frequently relies on commercial vendors for the printing of specialized forms and for providing unique binding that neither CIA nor the U.S. Government Printing Office is equipped to perform. On these occasions the products can be obtained more quickly and at less cost via direct transactions between the Agency and the vendor. Title 44, U.S.C., Section 103 allows the

JCP to use any measures necessary to avoid "duplication, delay, or waste". Direct purchases, in selected cases, avoid duplication and delay.

Title IV - Joint Committee on Printing Report Forms

Paragraph 48: Production Report

Paragraph 49: Commercial Printing Report

Paragraph 50: Power Collator Acquisitions Report

Paragraph 51: Map & Chart Production Report

Paragraph 52: Plant Inventory Report

Paragraph 53: Stored Equipment Report

Paragraph 54: Excess Equipment Report

Rationale for Exemption: CIA printing facilities report to Agency management production, commercial printing procurements and the status of various equipment and inventories. As noted previously, the very unique and sensitive nature of the Agency's printing does not lend itself to the required reporting.

Attachment 3

The Director  
Central Intelligence Agency



Washington, D.C. 20505

The Honorable Howard W. Cannon, Chairman  
Joint Committee on Printing  
c/o U.S. Senate P.O.  
Washington, D.C. 20510

Dear Senator Cannon,

Since the formal incorporation of Central Intelligence Agency (CIA) printing facilities in 1957, the Agency has operated under the specific instructions set down in the printing facilities' implementing documents as well as under the general guidelines of the Government Printing and Binding Regulations of the Joint Committee on Printing (JCP). Where strict adherence to the Government Printing and Binding Regulations would impinge on sources or methods or seriously detract from the flexibility required in fulfilling our mission, we felt that we had at least tacit approval and in some instances specific waivers from the JCP and the Government Printing Office (GPO) to operate as we have.

Our close association with the JCP and with officials of the GPO has been evident throughout our existence and is a matter of formal record. Our relationship with GPO has its

roots in a managerial structure and a wage system that is common with the GPO and we recognize that organization as the responsible department for most federal printing and as the procurer of printing paper stocks. In this regard, we rely on GPO as the primary source for our paper supply, utilizing other channels only for specialty items not available through GPO.

Our close liaison with GPO concomitant with the flexibility of our internal operations has yielded many cost effective programs. Utilizing the results of their research and development programs, we have acquired similar equipment systems which have insured a compatibility of language, training, and mutually shared solutions to equipment and system problems. We have also implemented an effective system for providing unclassified documents printed by the CIA to be made available to the public through the Superintendent of Documents, GPO. This program supplements our compliance with the Federal Depository Library Program which we contribute to on a daily basis.

Our Office of Legislative Counsel, working with the staff of your JCP, has not been successful in finding any formal, documented evidence of Agency exemption from any provision of Title 44, United States Code. In the interest of maintaining the flexibility and efficiency that we have enjoyed over the years, and in view of the sensitive nature of sources, methods

and products of our printing plant, exemptions from paragraphs 9 through 12, 34, 46, and all reporting requirements in paragraphs 48 through 54 of the Government Printing and Binding Regulations are requested.

Yours,

STANSEFIELD TURNER

Mr. Denver Dickerson,  
Staff Director, Joint Committee on Printing  
United States Senate Post Office  
Washington, D.C. 20510

Dear Denver,

As you know we have been wrestling with the question of the Agency's exemption from the provisions of Title 44. We all agree that over the years we have had tacit approval, if not a formal written agreement, that CIA would, because of special requirements and the sensitivity of its product, operate with minor deviations from the Government Printing and Binding Regulations.

Unless you foresee any objections on the part of the Joint Committee on Printing we will continue to operate in this fashion. Of course, we will continue with the very close liaison with the Government Printing Office on matters of common interest and concern. We would be most happy to furnish you and your staff with any information concerning our printing activities that you might find useful or necessary.

Sincerely,

Lyle L. Miller  
Acting Legislative Counsel



Attachment 4

24 FEB 1978

MEMORANDUM FOR: Chief, Plans and Programs Staff, OL

FROM: [REDACTED]

STAT

Chief, Printing & Photography Division, OL

SUBJECT: Comments on Proposed S.2525

1. The wording in S.2525 pertaining to printing and binding is almost identical to that in Sec.8. of PL 110. I don't see anything in S.2525 resembling the preface to Sec.8, viz, "notwithstanding any other provisions of law...", nor do I know the impact of it's presence or absence. All pertinent references in S.2525 to activities of concern to this division are in Sec. 422.(a) (lines 23, 24, 25 on page 192 and lines 4,5 on page 193).

2. The basis upon which this division has operated printing and binding facilities are tied to a number of things specified in my memo to the D/L of 1 Nov 1977 regarding Title 44 USC. We read Sec. 8 as total exemption from Title 44. Then there were other agreements and precedence upon which we have been operating. Of course, OGC, as outlined in their memo to D/L of 11 January 1978, renders the opinion that "the Agency does not have blanket exemption from the provisions of Title 44." We are busy now drafting correspondence to the Joint Committee on Printing for waivers from specific provisions of Title 44.

3. What is the intent of Sec. 422 in S.2525? In my mind, I interpret it just the same as Sec.8, but then OGC doesn't agree. If we are subject to Title 44, why is it in Sec. 422? The whole point of S.2525 is to tell us what and what not to do. We end up not with answers but questions.

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